IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3416 OF 2005.

IN

FIRST APPEAL NO.1400 OF 2005.

New Borivali Prajakata Co-operative Housing Society Ltd. : Applicants/ Appellants.

versus

M/s.Ashirwad Builders & Anr. : Respondents.

Mr.G.N.Salunke for the applicants.

Mr.M.S.Menon for Respondent No.1.

Mr.J.J.Xavier for Respondent No.2/BMC.

CORAM : D.G.DESHPANDE,J.

DATED : 27th September 2005.

ORAL ORDER

1. Heard advocates for the appellants and respondents. Appeal is already admitted. Both

the advocates have tendered photographs of the disputed construction. The counsel for the appellants has no objection if the construction of the 5th floor is allowed to be completed without prejudice to the rights and and contentions of the appellants. In view of this statement, the respondents are permitted to complete the construction of the 5th floor only. For other construction above the 5th floor, there will be order of injunction of this court. Appeal is expedited.

[D.G.DESHPANDE,J]